

# 1. Appendix I – Recommended amendments to beds and lakes and rivers ('clean' version)

## 1. Interpretation

<b>Beach recontouring</b> (beds of rivers)	The movement of in-situ natural river beach sediments (including gravel, rock, sand) on a river beach (part of the bed of the river not covered by water) to remove obstructions to flow or to move material to protect an eroding bank edge and includes beach ripping to loosen the upper surface (armour) layer of the beach to encourage gravel movement.
<b>Drain</b>	An open watercourse designed and constructed for the purpose of land drainage of surface or subsurface water and, for the purpose of Rule R121 only, excluding any 'device' included within the definition of <b>stormwater network</b> .  Note: For the avoidance of doubt, this definition does not include <b>water races</b> or artificial channels or swales that only convey water during rainfall events. Many watercourses that are considered to be drains are actually natural watercourses that have been highly modified, often over many decades, and include channels dug to drain natural wetlands.
<b>Ephemeral flow path</b>	A river that: (a) has a bed that is predominantly vegetated, and (b) only conveys or temporarily retains water during or immediately following heavy rainfall events, and (c) does not convey or retain water at other times.  Note: An ephemeral flow path is not a <b>surface waterbody</b> .
<b>Flood debris</b>	Material deposited on the river or lake bed as a result of wreckage or destruction resulting from flooding. Flood debris can include trees, deposited vegetation, and the remains of structures but does not include the normal fluvial build-up of gravel.
<b>Highly modified river or stream</b>	For the purposes of Rule R121 only, means a river or stream that has been modified and channelled for the purpose of land drainage of surface or sub-surface water and has the following characteristics: it has been channelled into a single flow, and <ul style="list-style-type: none"> <li>• the channel has been straightened, and</li> <li>• the channel is mechanically formed with straight or steeply angled banks, and</li> <li>• it exhibits these characteristics for at least its entire length through the property in which the activity is being carried out.</li> </ul> Note: Artificial channels that only convey water during rainfall events, <b>water races</b> and <b>the stormwater network</b> are not <b>Highly modified rivers or streams</b> .

**Reclamation**

Reclamation in the coastal marine area or the bed of a river, lake, or wetland means the creation of dry land

In the coastal marine area, reclamation does not include coastal or river mouth protection structures such as seawalls or revetments, boat ramps, and any structure above water where that structure is supported by piles, or any infilling where the purpose of that infilling is to provide beach nourishment.

The piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.

## 4. Policies

### 4.8.12. Activities in beds of lakes and rivers

Policy P102: Reclamation or drainage of the beds of lakes and rivers

The reclamation or drainage of the beds of lakes and rivers and **natural wetlands** shall be avoided except where the reclamation or drainage is:

- (a) partial reclamation of a river bank for the purposes of flood prevention or erosion control, or
- (b) necessary to enable the development, operation, maintenance and upgrade of **regionally significant infrastructure**, or
- (c) associated with the creation of a new river bed and does not involve piping of the river, and
- (d) in respect of (a) to (c) there are no other practicable alternative methods of providing for the activity, or
- (e) the reclamation or drainage is of an **ephemeral flow path**.

For the purpose of this policy the piping or covering of a stream for a distance greater than that required to form a reasonable crossing point is considered to be reclamation of the river bed.

Policy P103: Management of gravel, sand or rock extraction

The extraction of gravel, sand or rock from the beds of rivers shall be managed so that:

- (a) the extraction does not result in an increase in flooding or erosion either at the site of extraction or across the wider river catchment, including any erosion of existing structures, and
- (b) the flow of sediment and gravel to the coast is not reduced to the extent it would contribute to coastal erosion, and
- (c) the rate of gravel extraction does not exceed the natural rates of gravel deposition, unless this is required to manage aggradation.

Policy P106: Management of plants in the beds of lakes and rivers

The introduction to and removal of plants from the beds of lakes and rivers shall be managed so that:

- (a) pest plants are not introduced and their removal is enabled, and

- (b) indigenous plant species are encouraged to be planted where they are appropriate for the purpose and are typical of the area and their removal is only enabled for the purpose of Māori customary use or where it is necessary to manage flooding and erosion, and
- (c) the introduction or removal of plants does not increase flooding and erosion either at the site of introduction or removal, or across the wider river catchment, and
- (d) the introduction or removal of plants does not adversely affect significant biodiversity values of the site.

## 5. Rules

### 5.5.4 Activities in beds of lakes and rivers general conditions

#### Beds of lakes and rivers general conditions<sup>1</sup>

Beds of lakes and rivers general conditions for activities in the beds of lakes and rivers that apply as specified in Rules R112 to R125:

- (a) except where the discharge is expressly allowed by the activity description of a rule in this chapter there shall be no discharge of contaminants (including but not limited to oil, petrol, diesel, paint, solvent, heavy metals or other toxicants) to water or the bed, except where this is the result of the disturbance of sediment and other materials already existing in the water or bed, and
- (b) no cleaning or refueling of machinery or equipment, or storage of fuel, shall take place in, or within 10m of, a river or lake bed or at any location where fuel can enter any water body, and
- (c) all machinery, equipment and materials used for the activity shall be removed from the river or lake bed every night and on completion of the activity. This includes any excess material from the construction operation, any materials used during construction of any structure but not part of that structure, and any material removed or demolished from any structure, and
- (d) structures are designed, installed and maintained, and activities are carried out in a manner to ensure that fish passage is maintained at all times, unless a temporary restriction of no more than 48 hours is required for construction or maintenance activities. This shall include avoiding any aggradation or scouring of the bed of the river or lake that may inhibit fish passage, and
- (e) in any part of the river bed identified as inanga spawning habitat in Schedule F1 (rivers/lakes), no bed disturbance, diversions of water or sediment discharge shall occur between 1 March and 31 May, and
- (f) in any part of the river or lake bed covered by water, which is identified as trout spawning waters in Schedule I (trout habitat), disturbance of the bed or diversions of water shall not take place during the spawning period of 31 May and 31 August, and
- (g) all reasonable steps shall be taken to minimise the generation and release of sediment from the activity, and the discharge of any sediment to water from any activity in, on, over or under the bed of a river or lake

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<sup>1</sup> S42A Report: Beds of lakes and rivers, Issue 4

- (i) must not, after reasonable mixing result in any conspicuous change in the colour of water in the receiving water or a change in horizontal visibility of greater than 30%, and
- (h) car bodies or demolition rubble shall not be used for any purpose on the bed of any river or lake, and
- (i) all reasonable steps shall be taken to minimise the duration of the diversion of water, and any diversion of water required to undertake the activity shall:
  - (i) only be temporary and for a period no longer than that required to complete the activity, and
  - (ii) must be contained within the bed of the river, and
  - (iii) must not involve a lake, and
  - (iv) any diversion channel required must have sufficient capacity to carry the same flow as the original channel, so as not to cause flooding or erosion of any neighbouring **property**, and
- (j) the activity shall not result in erosion or scour of the river banks or shall not result in flooding of any neighbouring **property**, and
- (k) any structure shall be designed and maintained so that it does not reduce the ability of the river to convey flood flows. This includes the management of flood debris accumulated against the structure, and
- (l) any structure shall not alter the natural course of the river, including any diversion of water from the natural course during floods. Tree planting or **vegetative bank edge protection** works that are limited to the banks of the river and do not extend into the active channel are not considered to alter the course of the river for the purpose of this condition, and
- (m) the **river or** lake bed shall not be disturbed to a depth or an extent greater than that required to undertake the activity, and
- (n) in any part of a river bed identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) the structure shall not be constructed, or the activity shall not take place, during the critical period identified in Schedule F2a (birds-rivers) or Schedule F2b (birds-lakes) if the named birds are identified at the work site.
- (o) Beds of lakes and rivers general conditions (a) to (m) that apply as specified in Rule R112 to R125 do not cover any activities regulated by Sub-Part 4 – River crossings and Sub-Part 10 – General provisions in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

### 5.5.5 Activities in beds of lakes and rivers

#### Rule R105a: Removal of wetland plants for **Māori customary use**<sup>2</sup>

The selective removal of plants from a natural wetland, a significant natural wetland or an outstanding natural wetland for the purpose of Māori customary use is a permitted activity provided that:

- (a) the activity is carried out by hand, and
- (b) the vegetation and the bed of the **natural wetland** shall not be disturbed to a depth or an extent greater than that required to undertake the activity.

#### Rule R112: Maintenance, repair, replacement, upgrade or use of existing structures (excluding the Barrage Gates and any dam structure) – permitted activity<sup>3</sup>

The maintenance, repair, replacement, **upgrade** or use of a structure or a part of a structure excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017<sup>4</sup> (excluding the Barrage Gates located in the lower Wairarapa Valley and any dam structure) that is fixed in, on, under, or over the bed of a river or lake, including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (f) the resulting structure, excluding any cable, pipe or duct (for example gas pipes, electricity cables or ducts) attached to the structure and including any deposition, adds no more to the existing structure than whichever is the lesser of:
  - (i) 5% of the plan or cross-sectional area of the structure in the river or lake bed, or

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<sup>2</sup> S42A Report: Beds of lakes and rivers, Issue 3

<sup>3</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>4</sup> S42A Report: Beds of lakes and rivers, Issue 5

- (ii) 1m in horizontal projection and 1m in vertical projection measured from the structure as it was on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) in the river or lake bed, and
- (g) any existing structure was lawfully established on the date of public notification of the Proposed Natural Resource Plan (31.07.2015) .

Note: Dam structures do not include earth dams for the purposes of this rule.

#### Rule R113: Diversion of flood water by existing structures – permitted activity<sup>5</sup>

The diversion of flood water by a structure or stopbank outside the bed of a river or lake that was in existence on the date of public notification of the Proposed Natural Resources Plan (31.07.2015) excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017<sup>6</sup> is a permitted activity, provided the following condition is met:

- (a) the structure or stopbank causing the diversion shall not increase by more than 5% of the plan or cross-sectional area from the date of public notification of the Proposed Natural Resources Plan (31.07.2015), provided the increased size does not cause flooding on any neighbouring **property**.

Note: The diversion of flood waters by any new structure constructed outside the bed of a lake or river, or any upgraded structures that do not meet condition (a) of Rule R113, would fall under Rule R135.

#### Rule R114: River crossing structures – permitted activity

The placement, construction,<sup>7</sup> or use of a river crossing structure, including, but not limited to, weirs, fords and small bridges, excluding culverts and a river crossing that dams a river, that is fixed in, on, under, or over the bed of a river, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017<sup>8</sup>, including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

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<sup>5</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>6</sup> S42A Report: Beds of lakes and rivers, Issue 5

<sup>7</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>8</sup> S42A Report: Beds of lakes and rivers, Issue 5

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in section 5.5.4, and
- (f) the river crossing that has any part of the structure fixed in or on the bed has a catchment area above the crossing of not more than:
  - (i) 200ha in any catchment in the region on the eastern side of the Ruamāhanga River, or
  - (ii) 50ha in any catchment in the region on the western side of the Ruamāhanga River, and
- (g) the formed crossing shall be no wider than what is required for the purpose of the crossing and the total area of the structure in or on the bed of the river shall not exceed 20m<sup>2</sup>, and
- (h) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (i) a river crossing structure shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).

#### Rule R115: Culverts – permitted activity<sup>9</sup>

The placement or use of a culvert that is fixed in, or on, the bed of a river excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017<sup>10</sup> including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and
- (f) the activity does not occur within a site identified in Schedule C (mana whenua), and

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<sup>9</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>10</sup> S42A Report: Beds of lakes and rivers, Issue 5

- (g) where multiple culverts are placed side by side, the total capacity of the multiple culverts shall not be less than that of a single culvert which complies with this rule, and
- (h) the culvert, associated fill and culvert placement shall comply with the following dimensions:
  - (i) a maximum culvert length of 20m, and
  - (ii) for circular culverts a culvert diameter of 0.3m to 1.2m (inclusive), and
  - (iii) for non-circular culverts a width and height of 0.3m to 1.2m each (inclusive), and
  - (iv) a culvert diameter, or width that is at least as wide as the river bed at the point at which the culvert is installed (and which complies with (h)(ii) and (h)(iii) above)
  - (v) a maximum fill height of 2m above the top of the culvert unless a spillway is constructed to enable the passage of a 5% annual exceedence probability (20 year return period) flood event without the fill being overtopped, and
- (i) a minimum culvert installation depth below the bed of 20% of the width of the culvert, and
- (j) the culvert shall be positioned so that its alignment and gradient are the same as the river, and
- (k) the culvert shall be constructed to allow:
  - (i) the flow from a 5% annual exceedence probability (20 year return period) flood event without overtopping, unless the overtopping flows to a specifically designed spillway, and
  - (ii) the flow from a two year return period flood event without any flow impediment, and
- (l) the culvert inlet and outlet shall be protected against erosion, and
- (m) all practicable steps shall be taken to minimise the release of sediment during construction, and
- (n) the culvert shall be constructed and maintained to avoid any aggradation or erosion of the bed, including any erosion at the inlet and outlet of the culvert, and
- (o) the culvert shall be constructed and maintained to avoid causing any flooding on any neighbouring properties, and

- (p) A culvert shall not be placed within a site identified in Schedule F1b (inanga spawning habitat).

**Rule R116: Establishing a small dam and existing dams – permitted activity**

The placement of a new small dam, or use of a small dam, that is fixed in, on, or under the bed of a river including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) damming of water, and
- (e) discharge of sediment to water, and
- (f) reclamation associated with the dam structure, and
- (g) the damming of water outside the bed of a lake or river by a dam structure

is a permitted activity, provided the following conditions are met:

- (h) where the small dam occurs in the bed of a lake or river, the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (l) (not altering the natural course of the river), and, where the activity occurs in an **ephemeral flow path**, condition (d) (fish passage), and
- (i) the activity does not occur within a site identified in Schedule C (mana whenua), and
- (j) the small dam is not located in and does not cause water to pond in, a **significant natural wetland** identified in Schedule F3 (significant wetlands) or an outstanding water body identified in Schedule A (outstanding water bodies), and
- (k) the small dam shall not impound more than 20,000m<sup>3</sup> of water above natural ground level<sup>11</sup>, and
- (l) the small dam has a maximum water depth of less than 3m (measured from the natural ground level at the downstream toe of the dam structure), and
- (m) any new small dam does not have a catchment area above the dam of more than 20ha, and

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<sup>11</sup> S42A Report: Beds of lakes and rivers, Issue 4

- (n) the water impounded by the small dam does not encroach onto adjoining **properties**, and
- (o) a spillway or overflow pipe is constructed to prevent the dam from overtopping in a 5% annual exceedence probability (20 year return period) flood event, and connects or discharges to the downstream watercourse, and
- (p) any new small dam in a permanently flowing river shall maintain a flow out of the dam at all times including during filling of the dam.

*Note*

If a dam retains 3m or more depth or holds 20,000m<sup>3</sup> of water or more, then a building consent is required in accordance with the Building Act 1991. This rule does not permit the taking of water from behind the dam structure. This is controlled by other rules in the Plan.

**Rule R117: New structures – permitted activity<sup>12</sup>**

The placement or use of a new structure, including sediment retention weirs, pipes, ducts, cables, hydrological and water quality monitoring equipment, fences, erosion protection structures, and structures associated with **vegetative bank edge protection** except a structure permitted by Rules R114, R115, and R116 that is fixed in, on, under, or over the bed of any river or lake excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)<sup>13</sup>, including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (f) the activity does not occur within a site identified in Schedule C (mana whenua), excluding adding pipes or cables to an existing structure or providing for fish passage and
- (g) the structure does not occupy any bed area within inanga spawning habitat identified in Schedule F1, and elsewhere does not occupy a bed area any

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<sup>12</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>13</sup> S42A Report: Beds of lakes and rivers, Issue 5

greater than 10m<sup>2</sup>, except for where the structure is associated with **vegetative bank edge protection**, or a pipe, duct, fence or cable which is located over or under the bed where no bed occupancy limits apply, and

- (h) the catchment upstream of any sediment retention weir is not greater than 200ha, and
- (i) the height of any sediment retention weir from the upstream base to the crest of the weir at the time of construction shall be no more than 0.5m, and
- (j) any water monitoring equipment may divert up to 30m<sup>3</sup> of water per day for the purpose of measuring water quality or quantity provided the water is returned to the water body within 50m of the diversion point, and the quality of the water in the receiving water body after the diverted water is returned, is maintained.

*Note*

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

**Rule R118: Removing or demolishing structures – permitted activity**

The removal or demolition of a structure or a part of a structure that is fixed in, on, under, or over any river or lake bed, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017<sup>14</sup> including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition on the river or lake bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (f) the removal or demolition of the structure disturbs less than 10m<sup>2</sup> of the bed of the river or lake, and
- (g) it results in the complete removal of the structure from the river or lake bed, or the complete removal of that part of the structure requiring removal from the river or lake bed, and

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<sup>14</sup> S42A Report: Beds of lakes and rivers, Issue 5

- (h) no explosives shall be used in the demolition of the structure, and
- (i) the removal or deposition shall not result in the diversion of water from a **natural wetland**.

Rule R119: Removing<sup>15</sup> flood debris and beach recontouring – permitted activity

The removal of flood debris on the bed of a river or lake, and **beach recontouring** of the bed of a river (including, but not limited to, beach ripping), excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)<sup>16</sup> including any associated:

- (a) disturbance of the river or lake bed, and
- (b) deposition of natural material on the river or lake bed, and
- (c) discharge of sediment to water associated with the clearing of flood debris

is a permitted activity, provided the following conditions are met:

- (d) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, excluding condition (f) (trout spawning) if the activity is solely for the purpose of removing flood debris from the inlet or outlet of a culvert or **stormwater** discharge pipe, or to remove flood debris from against the supporting structures of a bridge, and if in the case of both of these exceptions, the removal is necessary to maintain the immediate integrity and safety of the affected structures, and
- (e) the removal of flood debris shall be for the purposes of flood or erosion control or to maintain the integrity of a structure, and
- (f) any **beach recontouring** operation shall not occur on any part of the bed covered by water at the time of the bed disturbance, and
- (g) depth of excavation for **beach recontouring** activities shall not extend below a level greater than 0.1m above the water level adjacent to the extraction site and shall not extend to a depth greater than 1m, and
- (h) any moved or extracted river bed material or flood debris shall not be placed in the bed of the river in such a way as it forms a mound or causes the natural course of the river to be altered in a flood event, and
- (i) any **beach recontouring** shall only be for the purposes of mitigating the adverse effects of flooding or erosion, and

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<sup>15</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>16</sup> S42A Report: Beds of lakes and rivers, Issue 5

- (j) there is no removal of any sand, shingle, rock, gravel or other natural bed material from the bed, other than what is permitted in Rule R120, and
- (k) the activity does not occur within a site identified in Schedule C (mana whenua).

*Note*

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

**Rule R120: Minor sand and gravel extraction – permitted activity**

The excavation or other disturbance of the bed of a river for the purpose of extracting gravel or other bed material, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n)<sup>17</sup> including any associated:

- (a) deposition on the river or lake bed

is a permitted activity, provided the following conditions are met:

- (b) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (c) extraction in any 12 month period shall be limited to whichever is the lesser of:
  - (i) 15m<sup>3</sup> for an individual's needs, or
  - (ii) 50m<sup>3</sup> for use on the **property** on which the river bed occurs or is adjacent to, or
  - (iii) 1m<sup>3</sup> where the material is removed from Te Awa Kairangi/Hutt River, which must be collected by non-mechanical means, and
- (d) the extraction site is not covered by water at the time of extraction, and
- (e) the extraction shall not extend to a level deeper than whichever is the greater of the following:
  - (i) 0.1m above the water level adjacent to the extraction site, or
  - (ii) 0.5m below the original height of the beach where the extraction is occurring, and
- (f) no machinery shall operate in the area of the river bed covered in water, except for crossings to access and haul gravel. River crossing for this

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<sup>17</sup> S42A Report: Beds of lakes and rivers, Issue 5

purpose shall be limited to one crossing point at each gravel extraction location, and

- (g) there shall be no stockpiling of extracted gravel on the bed of the river, and
- (h) the extraction site shall be set back more than 150m upstream from any established water level recorder, more than 50m upstream from any established weir, ford, culvert, bridge, dam, surface water intake structure or network utility pole or pylon, and more than 50m upstream or downstream from any existing flood control structures located in the bed of the river, and
- (i) the extraction site shall be groomed upon completion of the extraction so that there are no mounds, depressions, steep cut banks or edges left on the river bed, and
- (j) the activity does not occur within a site identified in Schedule C (mana whenua).<sup>18</sup>

*Note*

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

Rule R121: Maintenance of drains and highly modified rivers or streams – permitted activity<sup>19</sup>

The mechanical removal of vegetation or bed material and associated sediment from any **drain** or any **highly modified river or stream**, including any associated:

- (a) disturbance of the bed, and
- (b) deposition on the bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, except condition (g) (sediment condition), with all reference to a river or lake being read to also include **drain** (as well as a **highly modified river or stream**), and
- (f) any works to alter the depth or width of the watercourse shall not excavate any deeper or wider than the original grade or cross section of the channel,

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<sup>18</sup> S42A Report: Beds of lakes and rivers, Issue 4

<sup>19</sup> S42A Report: Beds of lakes and rivers, Issue 1

unless the widening or deepening is for the purpose of constructing or maintaining a sediment retention trap or a fish refuge bay, and

- (g) an intact vegetation cover shall be retained on the banks of the watercourse.
- (h) any fish (except identified pest species), kākahi and kōura removed from the watercourse during maintenance works shall be returned to the watercourse at a site upstream of the works in an ‘unstressed’ condition, as soon as practicable, and
- (i) any sediment, bed or plant material removed from the watercourse shall be placed and spread on adjoining land in a position that allows trapped fish and koura to re-enter the water and in such a way that it cannot slump and be washed back into the watercourse or other waterbodies, including wetlands, and
- (j) To provide fish refuge areas either:
  - (i) where the watercourse is sufficiently wide, only one side shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or
  - (ii) for every 200 metre length of watercourse cleared either:
    1. at least a 10 metre length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months); or
    2. a constructed fish refuge that is at least 1m<sup>2</sup> is provided, and
- (k) Sediment shall be trapped at the downstream end of the cleared reach by either installing a sediment trap or a sediment retention device, or retaining a length of intact aquatic vegetation that is at least seven times the width of the watercourse until, at least:
  - (i) the end of each working day where the reach has been cleared working upstream, or
  - (ii) otherwise the end of the following working day, and
- (l) any maintenance works in the bed of the watercourse shall not remove any woody debris with a diameter greater than 0.2m from the watercourse unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure.

*Note*

The application of **agricultural chemicals** over **surface water bodies** or over lake or river beds is covered in Section 51.13.

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

## Rule R122: Removing vegetation – permitted activity

The trimming or removal of vegetation (including weeds) from the bed of any river or lake (excluding a **highly modified river or stream**) and any associated sediment or bed material attached to the roots of the vegetation being removed, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017 except general condition 5.5.4(n))<sup>20</sup> including any associated:

- (a) disturbance of the lake or river bed, and
- (b) deposition on the lake or river bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

is a permitted activity, provided the following conditions are met:

- (e) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (f) the activity shall not cause any increase in flooding on neighboring **properties**, and
- (g) if mechanically clearing aquatic vegetation from an area of river or lake bed covered in water that has a predominantly gravel bottom, the machinery must use a weed rake that permits the easy drainage of water and fish, and
- (h) any fish (except identified pest species), kākahi and kōura removed from the river or lake bed during maintenance works shall be returned to the watercourse at a site upstream of the works in an ‘unstressed’ condition as soon as practicable, and
- (i) floating debris and plant material shall be prevented from drifting away and causing obstructions to the river or lake bed, or spreading pest plants (as listed in the *Greater Wellington Regional Pest Management Strategy 2002-2022*), and
- (j) where the activity involves the mechanical clearance of aquatic vegetation from a river, to provide fish refuge areas either:
  - (i) where the river is sufficiently wide, only one side of the river shall be cleared at any one time, and the other side may only be cleared at least three months following completion of the initial works, or

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<sup>20</sup> S42A Report: Beds of lakes and rivers, Issue 5

- (ii) for every 200 metre length of watercourse cleared at least a 10 metre length of intact aquatic vegetation cover is retained (and may not be cleared for at least three months).
- (k) any clearance works in the bed of a river or lake shall not remove any woody debris with a diameter greater than 0.2m unless it is causing, or has the potential to cause a flood or erosion threat, or a threat to infrastructure, and
- (l) no excavation of the bed, or widening or deepening of the bed is permitted by this rule.

*Note*

The spray application of **agrichemicals** over water bodies or over river and lake beds is covered in Section 5.1.13.

Cleaning and inspection of all equipment, machinery, or operating plant may be required under the Biosecurity Act 1993 to prevent the spread of “pests” or “unwanted organisms”.

General condition 5.5.4(n) prevails over the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.

**Rule R123: Planting – permitted activity**

The deliberate introduction or planting of a plant in the bed of a river or lake, including any associated:

- (a) disturbance of the lake or river bed, and
- (b) deposition on the lake or river bed, and
- (c) diversion of water, and
- (d) discharge of sediment to water

but excluding the deliberate introduction or planting of:

- (e) a species listed in the Greater Wellington Regional Pest Management Strategy 2002-2022.

is a permitted activity, provided the following conditions are met:

- (f) the activity shall comply with the beds of lakes and rivers general conditions specified above in Section 5.5.4, and
- (g) only native plants shall be used in a site identified in Schedule A (outstanding water bodies) or Schedule C (mana whenua). In a site identified in Schedule F (indigenous biodiversity) only native plants shall

be used, except where appropriate non-native species are required for flood protection or erosion control, and

- (h) no planting shall be undertaken in an identified Wellington Regional Council river management scheme area, unless it is undertaken in accordance with the planting program specified in the relevant floodplain management plan.

**Rule R124: Entry or passage over bed (excluding livestock access) – permitted activity**

The entry or passage across the bed of a river or lake that is not associated with any use of the river or lake bed specified in Rules R112 to R123, excluding activities regulated by the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017,<sup>21</sup> which is not for the purpose of **livestock** access covered by Rules R97 and R98 is a permitted activity provided the following condition is met:

...

**Rule R125: Structures within a site identified in Schedule C (mana whenua) – restricted discretionary activity**

No changes recommended.

### **5.5.6 Reclamation and placement of a dam**

**Rule R126: Placement of a dam in an outstanding water body – non-complying activity**

No changes recommended.

**Rule R127: Reclamation of the beds of rivers or lakes – non-complying activity**

The reclamation of the bed, or any part of the bed, of a river or lake:

- (a) associated with the piping of a stream, or
- (b) in a site identified in Schedule A (outstanding water bodies) or Schedule C (mana whenua) where the reclamation is necessary to enable the operation, maintenance or upgrade of regionally significant infrastructure.

is a non-complying activity.

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<sup>21</sup> S42A Report: Beds of lakes and rivers, Issue 5

**Rule R128: Reclamation of the bed of an outstanding lake and associated diversion – prohibited activity**

The reclamation of the bed, or any part of the bed, of:

- (a) a river identified in Schedule A1 (outstanding rivers), or
- (b) a lake identified in Schedule A2 (outstanding lakes), or
- (c) a site identified in Schedule C (mana whenua)

and any associated diversion of water is a prohibited activity, except as provided for my Rule 127.

**Rule R129: All other activities in river and lake beds – discretionary activity**

No changes recommended.

**Rule R129A: Gravel extraction for flood protection purposes or erosion mitigation inside sites of significance – discretionary activity**

Destruction, damage or disturbance associated with gravel extraction dredging for flood protection purposes or erosion mitigation inside a site or habitat identified in Schedule C (mana whenua), Schedule F4 (coastal sites), Schedule F5 (coastal habitats) or Schedule J (geological features) in the bed of a lake or river, including any associated:

- (a) deposition on the river or lake bed, and
- (b) discharge of sediment to water, and
- (c) diversion of water

is a discretionary activity.

### **5.5.8 Damming and diverting water**

**Rule R130: Diversion of groundwater – permitted activity**

No changes recommended.

**Rule R131: Damming or diverting water within or from rivers – discretionary activity**

No changes recommended.

Rule R132: Damming or diverting water within or from rivers – non-complying activity

No changes recommended.

Rule R133: Damming or diverting water within or from natural lakes – discretionary activity

No changes recommended.

Rule R134: Damming or diverting water within or from natural lakes, Lake Kohangatera or Lake Kohangapiripiri – non-complying activity

No changes recommended.

Rule R135: General rule for taking, use, damming and diverting water – discretionary activity

No changes recommended.

## 6 Other methods

### Method M14: Maintenance of drains and highly modified rivers or streams

Wellington Regional Council, in collaboration with landowners, industry, and other relevant organisations, and stakeholders, will develop and implement an education programme, including good management practice guidelines, procedures and tools, to support the implementation of Rule R121: Maintenance of **drains** and **highly modified rivers or streams** and R122: Removing vegetation.

The aim of this programme is to:

- (a) assist landowners to identify the different types of waterways on their properties (**drains** / **highly modified rivers** or streams and natural streams), and be aware of their ecological values, and
- (b) reduce the extent and frequency of maintenance activities associated with **drains** and **highly modified rivers or streams**, including by implementing riparian and land management practices that minimise inputs of sediment and nutrients to waterways, and
- (c) support the uptake of good management practice maintenance activities for **drains** and **highly modified rivers or streams**.

### Method M14a: Mapping of drains and highly modified rivers and streams<sup>22</sup>

Wellington Regional Council will develop a map layer that identifies **drains** and **highly modified rivers or streams** to assist with the implementation of Rules R121 and R122.

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<sup>22</sup> S42A Report: Beds of lakes and rivers, Issue 1